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15 IN THE UNITED STATES DISTRICT COURT

16 FOR THE NORTHERN MARIANA ISLANDS

17 MOHAMMAD KAMAL HOSSAIN,

18 Plaintiff,

19 v.

20 COMMONWEALTH OF THE NORTHERN
21 MARIANA ISLANDS, and MATTHEW
22 GREGORY, in his official capacity as
23 Attorney General of the Commonwealth of the
24 Northern Mariana Islands, and UNITED
STATES OF AMERICA,

Defendants.

CIVIL CASE NO. 08-0016

**MOTION TO DISMISS OF DEFENDANT
UNITED STATES OF AMERICA;
NOTICE OF HEARING**

Date: October 16, 2008

Time: _____ a.m.

1 PLEASE TAKE NOTICE that on October 16, 2008, or as soon thereafter as the matter
2 may be heard in Courtroom of the Hon. Alex R. Munson, Chief Judge of the above-entitled
3 Court, located at 2nd Floor, Horiguchi Building, Garapan, Saipan, MP, 96950 USA, Defendants,
4 through their undersigned counsel, hereby respectfully move this Court to dismiss the Complaint
5 for Declaratory, Injunctive, Compensatory and Further Relief filed by Plaintiff in accordance
6 with Fed. R. Civ. P. 12(b)(6) on failure to state a claim upon which relief can be granted. In
7 support of this Motion, the Court is respectfully referred to the accompanying Memorandum of
8 Points and Authorities filed herewith, the pleadings, records and papers filed herein, and such
9 other and further oral and documentary evidence and legal memoranda that may be presented.

10 RESPECTFULLY SUBMITTED: this 17th day of September, 2008.

11 LEONARDO M. RAPADAS
12 United States Attorney
Districts of Guam and NMI

13 By: /s/ Jessica F. Cruz

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